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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,623	11/29/2005	Daisuke Tsunoda	ARGM-109US	8417
23122	7590	11/26/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER CYGIEL, GARY W	
			ART UNIT	PAPER NUMBER
			2188	
			MAIL DATE	DELIVERY MODE
			11/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,623	Applicant(s) TSUNODA ET AL.	
	Examiner Gary W. Cygiel	Art Unit 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuwabara et al. (Japanese Patent No. JP411015850A) using both the Derwent and JPO abstracts the teachings

Consider **Claims 1-2 and 5-7**,

Kuwabara teaches a data storage system/method, comprising:

a vehicle-mounted terminal mounted on a vehicle (Derwent, use in a mobile terminal in a vehicle.); and

an information center for transmitting data to said vehicle-mounted terminal in response to a request from said vehicle-mounted terminal (Derwent, acquires demanded data from data center), and in which

said vehicle-mounted terminal includes terminal communicating means for communicating with said information center (Derwent, data is received through a communication unit.),

temporary cache means for temporarily storing therein said data (Derwent, temporary cache),

permanent cache means for storing therein said data for a predetermined period (Derwent, permanent cache), and

memory selecting means for selectively having said temporary cache means and said permanent cache means store therein said data received by said terminal communicating means (JPO Abstract, HTML tag indicates which cache data is to be stored in.), and

said information center includes center communicating means for communicating with said vehicle-mounted terminal (Derwent, communication unit.), and

data sorting means for sorting said data into temporary cache data to be stored in said temporary cache means and permanent cache data to be stored in said permanent cache means (JPO Abstract, HTML tag indicates which cache data is to be stored in.); and

said terminal communicating means is operative to receive a data sorting index while receiving said data from said information center (JPO Abstract, HTML tag indicates which cache data is to be stored in. The tags are an index.),

said memory selecting means is operative to selectively have said temporary cache means and said permanent cache means store therein said data received by said terminal communicating means on the basis of said data sorting index (JPO Abstract, cache control is based on extension tag.).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 3-4 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwabara et al. (Japanese Patent No. JP411015850A) using both the Derwent and JPO abstracts the teachings.

Consider **Claims 3-4, and 8-14,**

The Kuwabara abstract teaches the elements of claims 1-2 and 5-7, but fails to explicitly teach determining an amount of available storage space or the means for deleting data in the permanent cache. Determining available space and deleting data are two of the most fundamental capabilities of a system with memory. The examiner is taking official notice of the fact that it would have been obvious to a person of ordinary skill in the art

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at the time the invention was made to be able to determine the amount of available space and have means for deleting data in the system of Kuwabara because this allows for a more robust system functionality. Determining the available storage space allows for a determination as to when deleting is necessary and what would be most appropriate to delete which are both highly valuable and notoriously well known concepts in the art.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary W. Cygiel whose telephone number is (571)270-1170. The examiner can normally be reached on Monday through Thursdays 12:00pm-2:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary W Cygiel
Examiner
Art Unit 2188

GWC 11/13/2007



HYUNG S. SOUGH
SUPERVISORY PATENT EXAMINER

11/20/07